

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<u>QWEST COMMUNICATIONS</u>)	
INTERNATIONAL, INC.,)	
a Delaware corporation,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.: 04-11878-RCL
v.)	
)	
CONQWEST, INC.,)	
a Massachusetts corporation,)	
)	
Defendant.)	
)	

**DEFENDANT’S APPLICATION FOR FINAL JUDGMENT AGAINST
PLAINTIFF, QWEST COMMUNICATIONS INTERNATIONAL, PURSUANT
TO FED.R.CIV.P. 33(b)(4)**

Defendant, CONQWEST, INC. (“Defendant”), hereby requests that final judgment be entered on behalf of Defendant against Plaintiff, Qwest Communications International, Inc. (“Plaintiff”), for Plaintiff’s failure to timely file answers to interrogatories in accordance with the provisions of Rule 33(b).

For cause, Plaintiff states that on February 11, 2005, Defendant served Plaintiff with Defendant’s First Set of Interrogatories. The answers to Defendant’s Interrogatories were due from Schroeder on March 14, 2005. Plaintiff failed to serve or file timely answers to the interrogatories. On December 28, 2005, Defendant served Plaintiff with Defendant’s Final Request for Answers to Defendant’s First Set of Interrogatories. (Exhibit A). Plaintiff’s answers to Defendant’s Final Request for Answers were due on January 28, 2006. Defendant has complied with Fed.R.Civ.P. 33(b), but to date, Plaintiff

has failed to serve answers, or respond in any way, within thirty (30) days as prescribed by Fed.R.Civ.P. 33(b) to Defendant's Final Request for Answers to Interrogatories.

Wherefore, the Defendant, CONQWEST, INC., respectfully requests this Court enter final judgment, on behalf of the Defendant, on all counts of the Plaintiff's Complaint, with costs and damages.

THE FOREGOING STATEMENTS ARE MADE UNDER THE PENALTIES OF PERJURY.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

The undersigned counsel sent letters to Plaintiff's Counsel on November 22, 2005 and November 30, 2005 requesting answers to the Defendant's First Set of Interrogatories, and as noted above, Plaintiff has failed to provide any answers to the Defendant's First Set of Interrogatories.

Respectfully submitted,

Defendant,
CONQWEST, INC.,
By its attorney:



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Dated: February 3, 2006